

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
vs.)	NO. 07-CR-50058-2
)	
MICHAEL JACKSON,)	EMERGENCY MOTION TO
)	WITHDRAW AS COUNSEL AND
Defendant.)	TO CONTINUE SENTENCING

NOW COMES Michael J. Phillips, court-appointed attorney for Defendant Michael Jackson, and respectfully requests that this Honorable Court enter an Order Granting Leave Of Court To Withdraw As Counsel For Defendant and To Continue Sentencing Hearing, and in support thereof, states as follows:

1. That the undersigned counsel was previously appointed to represent the Defendant in the above-entitled matter.
2. That on or about May 15, 2008, the Defendant entered a Plea of Guilty pursuant to a written Plea Agreement with the United States Attorney's Office and this Honorable Court scheduled this matter for a Sentencing Hearing to commence at 9:00 o'clock A.M. on Thursday, August 28, 2008.
3. That on or about August 13, 2008 the Defendant filed a *Pro Se* Motion To Withdraw Plea wherein the Defendant sought to withdraw his Plea of Guilty claiming in part that his Plea of Guilty was involuntary because the undersigned counsel failed to fully explain all of the consequences to the Defendant accepting the Government's proposed Plea Agreement and, in Paragraph 8 of his "Re: Affidavit in support of Motion To withdraw Plea" (sic), claiming that the undersigned counsel "All he was concerned with was getting me to sign the Plea."

4. That because of said allegations, which the undersigned counsel denies, there now exists an irrevocable conflict of interest between the Defendant and the undersigned counsel rendering it impossible for the undersigned counsel to fully represent the interests of the Defendant during said Sentencing Hearing and/or when renewing the Defendant's *Pro Se* Motion To Withdraw Plea in that to fully represent the interests and wishes of the Defendant, the undersigned counsel would have to urge that the undersigned counsel engaged in conduct which the undersigned counsel denies occurred.

5. That the undersigned counsel was unaware of the afore-mentioned *Pro Se* Motion To Withdraw Plea until he was so informed of the existence of said Motion during a telephone conversation this afternoon with United States Probation Office Ron Jacob who prepared the Presentence Investigation Report in the above-entitled matter.

6. That on or about August 11, 2008 the undersigned counsel changed his e-mail address at which he received all e-mail notifications of new court document filings from the Office of the District Court for the Northern District of Illinois through the Court's ECM System, but the undersigned counsel was unaware that his former Internet Service Provider would not forward any e-mails received after August 11, 2008 to the undersigned counsel's new e-mail address. (Please see the attached Exhibit A for a listing showing that no e-mails were received by the undersigned counsel in regards of the above entitled matter from August 8, 2008 up to and including August 25, 2008).

7. That upon reading the said *Pro Se* Motion this date, the undersigned counsel immediately suspended all preparation for the Sentencing Hearing pending a ruling on this Emergency Motion by this Honorable Court, and thus the undersigned counsel will not be prepared to proceed with the Sentencing Hearing herein on the original court date of 9:00 o'clock A.M. on Thursday, August 28, 2008.

WHEREFORE, the undersigned counsel respectfully requests that this Honorable Court enter an Order as follows:

A. Granting him leave to withdraw as counsel of record for Defendant Michael Jackson in the above entitled matter; and

B. Appointing a new attorney to represent the Defendant on an attorney-prepared Motion To Withdraw Plea based upon the allegations contained in Defendant's original *Pro Se* Motion To Withdraw Plea and during the Sentencing Hearing herein if said Motion To Withdraw is denied; and

C. Allowing the Defendant and his new attorney a specified time period to allow the new attorney to prepare a Motion To Withdraw Plea based upon the allegations contained in Defendant's original *Pro Se* Motion To Withdraw Plea; and

D. Continuing the Sentencing Hearing from August 28, 2008 to a new date and time certain.

Respectfully Submitted,

/s/ Michael J. Phillips
Michael J. Phillips
Attorney for Defendant
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the above document upon all parties entitled to notice thereof by sending a true, correct and complete copy of said Motion to each counsel of record, including but not limited to Assistant United States Attorney Michael Iasparro, via the District Court's Electronic Case Management System on August 25, 2008.

/s/ Michael J. Phillips
Michael J. Phillips